IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ICONTROL NETWORKS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 14-1199 (GMS)
	)	
ZONOFF INC.,	)	
	)	
Defendant.	)	

DECLARATION OF CHRISTOPHER D. MAYS IN SUPPORT OF ICONTROL'S OPPOSITION TO ZONOFF'S MOTION TO DISMISS AND FOR A MORE DEFINITE STATEMENT

Richard K. Herrmann (I.D. No. 405)
Mary B. Matterer (I.D. No. 2696)
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Attorneys for Plaintiff Icontrol Networks, Inc.

OF COUNSEL:

James C. Yoon
Ryan R. Smith
Christopher D. Mays
Mary Procaccio-Flowers
WILSON SONSINI GOODRICH & ROSATI, P.C.
650 Page Mill Road
Palo Alto, CA 94304-1050
650-493-9300

Dated: December 19, 2014

I, Christopher D. Mays declare as follows:

1. I am an attorney at law duly licensed to practice in the State of California and am admitted *pro hac vice* to this Court. I am also an associate with the law firm Wilson Sonsini Goodrich & Rosati and I represent Plaintiff Icontrol Networks, Inc. in the above-captioned case.

2. Unless otherwise stated, I have personal knowledge of the facts set forth in this declaration.

3. Attached as **Exhibit A** is a true and correct copy of Icontrol Networks, Inc.'s Identification of Accused Products and Asserted Patents pursuant to Paragraph 4(a) of the Default Standard, dated November 7, 2014.

4. Attached as **Exhibit B** is a true and correct copy of a November 12, 2014, email from Thomas Kenworthy to Ryan Smith.

5. Attached as **Exhibit C** is a true and correct copy of http://www.zonoff.com/somfy-tahoma.html, the webpage of Zonoff, Inc. last accessed on December 19, 2014.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 19th day of December, 2014.

Christopher D. Mays

EXHIBIT A

WSGR Wilson Sonsini Goodrich & Rosati
PROFESSIONAL CORPORATION

650 Page Mill Road
Palo Alto, CA 94304-1050
PHONE 650.493.9300
FAX 650.493.6811
www.wsgr.com

November 7, 2014

Via Hand Delivery

Colm F. Connolly
Morgan Lewis & Bockius LLP
1007 Orange Street
Suite 501
Wilmington, DE 19801

Re: *Icontrol Networks Inc. v. Zonoff Inc.*, Case No. 1:14-cv-1199-GMS

Dear Mr. Connolly:

Icontrol Networks Inc. ("Icontrol") hereby provides its initial patent disclosures pursuant to Paragraph 4 of the Court's Default Standard for Discovery, Including Discovery Electronically Stored Information:

1. Icontrol's Identification of Accused Products.

Icontrol identifies the following as infringing the patents identified in § 2 below (hereafter, the "Accused Products"):

- Zonoff Platform Software, including, without limitation, "Zonoff Home," "Zonoff Cloud," and "Zonoff App," as identified at http://www.zonoff.com/zonoff-software.html, including any software, hardware, technology and/or products that share, use, or are derivatives of Zonoff Platform Software (*e.g.,* "Staples Connect" and "Somfy TaHomA").

- Any Zonoff home automation and/or home security software, hardware, technology and/or products that has been provided to, demonstrated to, tested by, or incorporated with any product or service of any third-party (*e.g.*, ADT Corp., ADT Security Services, and/or their affiliates).

- Any Zonoff software, hardware, technology and/or products that incorporate or otherwise utilize Zonoff's Distributed Radio Architecture and/or Zonoff's Open Device SDK.

Icontrol makes the above identification based on information currently available to Icontrol. Icontrol reserves the right to supplement this list based on information subsequently learned and/or to make additional assertions in its infringement contentions.

We look forward to receiving Zonoff's core technical document production within the next thirty-days.

2. Icontrol's Identification of Asserted Patents.

Icontrol hereby asserts the following "Asserted Patents" as being infringed by the Accused Products:

- U.S. Patent No. 6,624,750;
- U.S. Patent No. 7,262,690;
- U.S. Patent No. 8,335,842;
- U.S. Patent No. 8,612,591;
- U.S. Patent No. 8,478,871; and
- U.S. Patent No. 8,638,211.

3. Inclusion of File Histories.

Icontrol concurrently produces file histories for the Asserted Patents under bates number range ICONTROL-ZONOFF 0000174-ICONTROL-ZONOFF 0003853.

Sincerely,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

R R Smith
Ryan R. Smith

Cc: Thomas Kenworthy – tkenworthy@morganlewis.com
Kenneth J. Davis – kdavis@morganlewis.com

EXHIBIT B

From: Kenworthy, Thomas B. <tkenworthy@morganlewis.com>
Sent: Wednesday, November 12, 2014 1:39 PM
To: Smith, Ryan
Cc: Matterer, Mary B.; Hall, Taccie A; Herrmann, Richard K.; WSGR - iControl; jblumenfeld@mnat.com; Boris.Zelkind; Connolly, Colm F.; Davis, Kenneth J.
Subject: RE: Icontrol Litigation - Request for Rule 26(f) Conference

Ryan:

We encourage iControl to file an Amended Complaint to address the issues raised in Zonoff¹s pending motion. Until we see what any such Amended Complaint looks like, however, we will be unable to assess whether a Rule 26(f) conference would be practicable yet. Zonoff does commit that if iControl chooses to file an Amended Complaint, Zonoff will reassess its position and get back to you promptly.

Best regards,

Tom

Thomas B. Kenworthy
Morgan, Lewis & Bockius LLP
1701 Market Street | Philadelphia, PA 19103-2921
Direct: +1.215.963.5702 | Main: +1.215.963.5000 | Fax: +1.215.963.5001
tkenworthy@morganlewis.com | www.morganlewis.com
Assistant: Beverly Ann Stevenson | +1.215.963.5703 | bstevenson@morganlewis.com

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From: Smith, Ryan [mailto:rsmith@wsgr.com]
Sent: Wednesday, November 12, 2014 11:50 AM
To: Kenworthy, Thomas B.
Cc: Matterer, Mary B.; Hall, Taccie A; Richard K. Herrmann; WSGR - iControl; Jack Blumenfeld; Boris.Zelkind; Connolly, Colm F.; Davis, Kenneth J.
Subject: Re: Icontrol Litigation - Request for Rule 26(f) Conference

Tom,

Thank you for your email. In response to your question, Icontrol does not currently intend file additional actions. However, Icontrol does maintains its right to do so.

Icontrol believes that the arguments raised in Defendants¹ respective Motions to Dismiss lack merit. Nevertheless, in an effort to avoid unnecessary motion practice, Icontol is considering filing an amended complaint with additional factual allegations. If Icontrol agrees to file an amended complaint by November 21, would defendants agree to participate in a Rule 26(f) conference during the week of Nov. 24 or the week after?

Best regards,

Ryan R. Smith
Wilson Sonsini Goodrich & Rosati
Direct: 650.849.3345
Cell: 650.269.0822

rsmith@wsgr.com

On Nov 12, 2014, at 6:37 AM, Kenworthy, Thomas B. <tkenworthy@morganlewis.com> wrote:

Ryan:

Although we believe that a joint Rule 26(f) conference in both the Zonoff and SecureNet cases makes sense because there are four patents in common, please confirm that iControl does not intend to soon file other patent infringement cases in the District of Delaware involving any of the patents-in-issue in these two cases.

In view of Zonoff¹s pending motion to dismiss and for a more definite statement of the complaint, we believe that it is premature to be scheduling a Rule 26(f) conference before an answer and any counterclaims have been filed. Does iControl intend to file an Amended Complaint pursuant to Rule 15(a)(1)(B) to address the issues raised by Zonoff¹s motion? If so, once we review any such Amended Complaint, we would be happy to revisit the question of the timing of a Rule 26(f) conference.

Best regards,

Tom Kenworthy

Thomas B. Kenworthy
Morgan, Lewis & Bockius LLP
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Direct: +1.215.963.5702 | Main: +1.215.963.5000 | Fax: +1.215.963.5001
tkenworthy@morganlewis.com | www.morganlewis.com
Assistant: Beverly Ann Stevenson | +1.215.963.5703 | bstevenson@morganlewis.com

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From: Smith, Ryan [mailto:rsmith@wsgr.com]
Sent: Tuesday, November 11, 2014 7:38 PM
To: Jack Blumenfeld; Boris.Zelkind; Connolly, Colm F.; Kenworthy, Thomas B.
Cc: Matterer, Mary B.; Hall, Taccie A; Richard K. Herrmann; WSGR - iControl
Subject: Re: Icontrol Litigation - Request for Rule 26(f) Conference

Dear Counsel,

Please let us know your availability for a Rule 26(f) conference at your earliest convenience. Thank you.

Ryan

On Nov 7, 2014, at 11:27 AM, Smith, Ryan <rsmith@wsgr.com> wrote:

Dear Counsel:

Icontrol would like to schedule a Rule 26(f) conference with counsel for Zonoff and SecureNet sometime next week. I suggest Monday at 11am (Eastern). In advance, we plan to circulate an agenda for the call to help facilitate our discussion. Please let us know if my proposed time for a call works for your schedule. If not, please propose an alternative date and time. Thanks you.

Best regards,

Ryan R. Smith
Wilson Sonsini Goodrich & Rosati
Direct: 650.849.3345
Cell: 650.269.0822
rsmith@wsgr.com

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EXHIBIT C

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Somfy is the world's leading manufacturer of window covering motors, with a trained installer network across North America. They launched the Somfy TaHomA offering in 2011 to provide their clients a full home automation and control solution.

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